

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/603513	Confirmation No.	3235
Applicant	: Scott GILBERT		
Filed	: 2003-06-24		
Art Unit	: 3763		
Examiner	: Manuel A. Mendez		
Docket No.	: ARC3080R1		
Customer No.	: 30766		
Title	: Reusable spring driven autoinjector		

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION

Applicant hereby petitions under MPEP 711.03(c)(I)(A) that the holding of abandonment in the above-identified application be withdrawn based on failure to receive the Office Action dated June 28, 2005. Applicant further petitions that the Office Action dated June 28, 2005 be mailed to the correct correspondence address and that the period for reply to the office action be reset based on the new mail date. This petition is being filed within two months of the mailing date of the Notice of Abandonment.

A Power of Attorney/Change of Correspondence Address was filed on December 18, 2003, with instructions to direct all correspondence to:

Samuel E. Webb
Alza Corporation
c/o Johnson & Johnson
One Johnson & Johnson Plaza, WH3321
New Brunswick, NJ 08933
(650) 564-5106
Customer No. 27777

Because of change of procedures at ALZA Corporation, it was necessary to change the correspondence address noted above. A Change of Correspondence Address was filed on

August 4, 2004, with a request to change the correspondence address of the above-identified application to the address associated with Customer Number 30766.

There is clear evidence that the Change of Correspondence Address filed on August 4, 2004 was received by the USPTO based on the return postcard stamped by the USPTO on August 9, 2004, and the image file wrapper in PAIR. A copy of the image file wrapper is appended to this petition.

Despite the Change of Correspondence Address filed on August 4, 2004, the USPTO mailed the Office Action dated June 28, 2005, to the Johnson & Johnson, New Brunswick address. The Office Action was returned to the USPTO as undelivered, as indicated in the appended copy of the image file wrapper.

On March 20, 2007, the undersigned became aware of the issuance of the Office Action dated June 28, 2005, through PAIR.

On March 21, 2007, the undersigned called the USPTO to inquire about resending of the Office Action dated June 28, 2005 to the correct Correspondence Address with a new mail date. The undersigned was directed to the OIPE. During that call, the OIPE updated the Correspondence Address as previously requested on August 4, 2004 and instructed the undersigned to contact the examiner for further action. The undersigned was unable to reach the examiner but left a message for the examiner. The undersigned then called the examiner's supervisor, who promised to instruct the examiner to resend the office action with a new mail date. Several unsuccessful calls were made to the examiner and examiner's supervisor after this date to inquire about the status of the application.

On April 17, 2007, the undersigned was finally able to reach the examiner. During this call, the examiner informed the undersigned that he had just issued a notice of abandonment despite assurances from the examiner's supervisor that an office action with a new date would be sent to the correct correspondence address. The examiner promised to rectify the situation. However, this petition is being filed in order to preserve the applicant's rights in the matter.

The applicant is entitled under MPEP §711.03(c)(I)(A) to have the notice of abandonment dated April 19, 2007 withdrawn based on the USPTO's failure to update the correspondence address as requested on August 4, 2004, resulting in failure to receive the Office Action dated June 28, 2005. The applicant is also entitled to have the Office Action dated June 28, 2005 mailed to the correct correspondence address and to have the period for reply reset

based on the new mail date because (1) a Change of Correspondence Address was properly filed on August 4, 2004, (2) the Office Action dated June 28, 2005 was mailed to the Johnson & Johnson, New Brunswick address instead of the correspondence address associated with Customer Number 30766, (3) the office action has not been received at the correspondence address associated with Customer Number 30766 as of the date of this petition, and (4) the statutory time period for reply to the office action had substantially elapsed by the time the applicant became aware of the office action.

A petition fee is not believed to be required in this case. However, if it is deemed that a petition fee is required, the Office is authorized to charge such petition fee to Deposit Account No. 50-3202.

Date: April 30, 2007

Respectfully submitted,

Adenike Adebisi

Adenike A. Adebisi

Reg. No. 42,254

Tel.: (281) 856-8646



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10/603,513

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Available Documents

Mail Room Date	Document Description	Document Category	Page Count	Select All	Start Download	Clear All
04-19-2007	Abandonment	PROSECUTION	2	<input type="checkbox"/>		
08-22-2005	NPL Documents	PRIOR ART	4	<input type="checkbox"/>		
08-22-2005	Information Disclosure Statement (IDS) Filed	PROSECUTION	3	<input type="checkbox"/>		
08-22-2005	Foreign Reference	PRIOR ART	1	<input type="checkbox"/>		
08-22-2005	Foreign Reference	PRIOR ART	6	<input type="checkbox"/>		
08-22-2005	Foreign Reference	PRIOR ART	6	<input type="checkbox"/>		
08-22-2005	Foreign Reference	PRIOR ART	16	<input type="checkbox"/>		
07-08-2005	Mail returned to USPTO as undelivered	PROSECUTION	8	<input type="checkbox"/>		
06-28-2005	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>		
06-28-2005	Non-Final Rejection	PROSECUTION	5	<input type="checkbox"/>		
06-28-2005	List of references cited by examiner	PRIOR ART	1	<input type="checkbox"/>		
08-09-2004	Change of Address	PROSECUTION	1	<input type="checkbox"/>		
03-02-2004	NPL Documents	PRIOR ART	3	<input type="checkbox"/>		
03-02-2004	NPL Documents	PRIOR ART	12	<input type="checkbox"/>		
03-02-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	6	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	10	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	22	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	26	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	35	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	52	<input type="checkbox"/>		
03-02-2004	Foreign Reference	PRIOR ART	24	<input type="checkbox"/>		
01-23-2004	NPL Documents	PRIOR ART	14	<input type="checkbox"/>		
01-23-2004	NPL Documents	PRIOR ART	5	<input type="checkbox"/>		
01-23-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	3	<input type="checkbox"/>		

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01-23-2004	Foreign Reference	PRIOR ART	9	<input type="checkbox"/>
01-05-2004	Power of Attorney	PROSECUTION	2	<input type="checkbox"/>
06-24-2003	Transmittal of New Application	PROSECUTION	4	<input type="checkbox"/>
06-24-2003	Specification	PROSECUTION	18	<input type="checkbox"/>
06-24-2003	Oath or Declaration filed	PROSECUTION	3	<input type="checkbox"/>
06-24-2003	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
06-24-2003	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
06-24-2003	Drawings	PROSECUTION	2	<input type="checkbox"/>
06-24-2003	Claims	PROSECUTION	4	<input type="checkbox"/>
06-24-2003	Abstract	PROSECUTION	1	<input type="checkbox"/>

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